

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**ELLIJAH SAM,**

**Plaintiff,**

**v.**

**BANC FIRST,**

**Defendant.**

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**No. CIV-23-452-R**

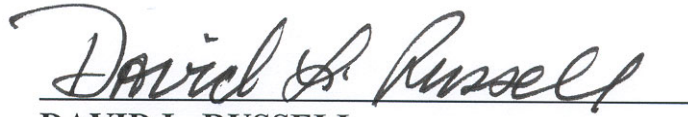
**ORDER**

Plaintiff, proceeding pro se, initiated this action on May 22, 2023 by filing a Complaint [Doc. No. 1] which represents that this Court has federal question jurisdiction over the claims. However, Plaintiff's Civil Cover Sheet [Doc. No. 1-1] and Motion to Remove Case File from Oklahoma County District Court and Transfer Copies to Oklahoma United States District Court Western District of Oklahoma [Doc. No. 3] plainly indicate that he is attempting to remove this matter from Oklahoma County District Court, case number SC-2023-8373.

Where, as here, a plaintiff commences a civil action in state court, he is not entitled to remove that action to federal court. *See Hamburg v. Goshen Co. Atty.*, 5 F.3d 546 (10th Cir. 1993)(unpublished); *Lewis v. Saunders*, No. CIV.A. 02-2139-CM, 2002 WL 1461979, at \*1 (D. Kan. June 26, 2002); 28 U.S.C. § 1441 (providing that civil actions “may be removed by the defendant or the defendants”).

Accordingly, this case is REMANDED to the District Court of Oklahoma County. All pending motions are denied as moot.

IT IS SO ORDERED this 24<sup>th</sup> day of May, 2023.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE